

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION

FILED

JAN 2 1997

RONNIE DAVIS, as father
and next friend of
Crystal Davis,

Plaintiff

v.

CHRYSLER CORPORATION,

Defendant

[former Defendant John Darren
Sahagan dismissed with
prejudice June 7, 1996 by
Order of Circuit Judge of
Walker County, Alabama]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

EB Nelson

CV NO. 96-HM-1913-J

JL

ENTERED

JAN 02 1997

MEMORANDUM OPINION

This case is currently before this Court on the Motion to Remand filed by Plaintiff Ronnie Davis as father and next friend of Crystal Davis on August 23, 1996. On December 5, 1996, this Court entered an Order directing the party litigants and requesting the dismissed defendant John Darren Sahagan to submit answers to certain questions this Court posed in order to clarify the facts leading up to the removal of this action from the Circuit Court of Walker County, Alabama to this United States District Court. Having reviewed the responses submitted by the remaining party litigants,¹ this Court concludes that Plaintiff's Motion to Remand is due to be denied for the reasons set forth hereinafter.

FACTUAL BACKGROUND

¹The dismissed Defendant John Darren Sahagan has not filed an answer to this Court's December 5, 1996 Order to date.

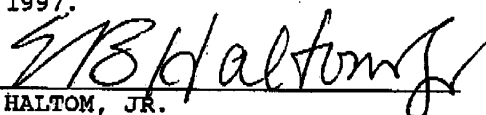
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apparent error and/or oversight in the failure of the Walker County Circuit Court Clerk to mail a copy of Judge Beaird's Order dismissing the nondiverse defendant to counsel of record for the Defendant Chrysler, this Court elects to exercise its inherent authority to expand the time for filing the Notice of Removal in this action so as to make the Chrysler removal timely as filed on July 24, 1996. And it is so ORDERED alternatively.

CONCLUSION

For the foregoing reasons, this Court is of the opinion and holds that the Notice of Removal filed by Defendant Chrysler Corporation was timely and accordingly that the Motion to Remand filed by Plaintiff Davis on August 23, 1996 is due to be denied. An appropriate order in conformity with this Memorandum Opinion is contemporaneously entered.

DONE this 2nd day of January, 1997.


E.B. HALTOM, JR.
SENIOR UNITED STATES DISTRICT JUDGE

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